

1 Terry Gross (terry@gba-law.com) (103878)
2 Adam C. Belsky (adam@gba-law.com) (147800)
Monique Alonso (monique@gba-law.com) (127078)
GROSS BELSKY ALONSO LLP
3 180 Montgomery Street, Suite 2200
San Francisco, California 94104
4 Telephone: (415) 544-0200
Facsimile: (415) 544-0201

E-FILED - 11/16/09

5 Attorneys for Plaintiffs
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 MARLO CUSTODIO, ROMEL) Case No. C09-00527 RMW
CUSTODIO, MARILOU CUSTODIO, and)
12 OSCAR "O.J." CUSTODIO, JR.,) **STIPULATION AND []**
Plaintiffs,) **ORDER TO CONTINUE EARLY NEUTRAL**
13) **EVALUATION CONFERENCE**
14 v.) **COMPLETION DEADLINE**
15 THE COUNTY OF SANTA CLARA,)
CALIFORNIA, THE CITY OF SAN JOSE,)
16 POLICE CHIEF ROBERT DAVIS,)
individually and in his official capacity as)
17 Chief of the San Jose Police Department,)
SAN JOSE POLICE DEPARTMENT)
18 SERGEANT EVANS (Badge #2339),)
individually and in his official capacity as a)
19 supervisorial police officer for the CITY OF)
SAN JOSE, SAN JOSE POLICE)
20 DEPARTMENT OFFICERS EPP (Badge)
#3048), individually and in his capacity as a)
21 police officer for the CITY OF SAN JOSE,)
MORASCI (Badge #3292), individually and)
22 in his capacity as a police officer for the)
CITY OF SAN JOSE, TRAN (Badge)
23 #3269), individually and in his capacity as a)
police officer for the CITY OF SAN JOSE,)
24 UNGER (Badge #3080), individually and in)
his capacity as a police officer for the CITY)
25 OF SAN JOSE, DEMARIA (Badge #3728),)
individually and in his capacity as a police)
officer for the CITY OF SAN JOSE,)
26 JEFFREY (Badge #3715), individually and)
in his capacity as a police officer for the)
CITY OF SAN JOSE, CRAWLEY (Badge)
27 #3357), individually and in his capacity as a)
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1 police officer for the CITY OF SAN JOSE,)
2 PURNELL (Badge #3627), individually and)
3 in his capacity as a police officer for the)
4 CITY OF SAN JOSE, CAHILL (Badge)
#3357) and BARRY (Badge #3703,)
5 individually and in his capacity as a police)
officer for the CITY OF SAN JOSE, and)
DOES ONE through FIFTY,)
Defendants.)

Pursuant to Northern District Local Rule 7-12, by and through their respective counsel,
Plaintiffs MARLO CUSTODIO, ROMEL CUSTODIO, MARILOU CUSTODIO, and OSCAR “O.J.”
CUSTODIO, JR. (hereinafter “Plaintiffs”); Defendant THE COUNTY OF SANTA CLARA,
CALIFORNIA; and Defendants THE CITY OF SAN JOSE, POLICE CHIEF ROBERT DAVIS,
individually and in his official capacity as Chief of the San Jose Police Department, SAN JOSE
POLICE DEPARTMENT SERGEANT EVANS (Badge #2339), individually and in his official
capacity as a supervisorial police officer for the CITY OF SAN JOSE, SAN JOSE POLICE
DEPARTMENT OFFICERS EPP (Badge #3048), individually and in his capacity as a police officer
for the CITY OF SAN JOSE, MORASCI (Badge #3292), individually and in his capacity as a police
officer for the CITY OF SAN JOSE, TRAN (Badge #3269), individually and in his capacity as a police
officer for the CITY OF SAN JOSE, UNGER (Badge #3080), individually and in his capacity
as a police officer for the CITY OF SAN JOSE, DEMARIA (Badge #3728), individually and in his
capacity as a police officer for the CITY OF SAN JOSE, JEFFREY (Badge #3715), individually and
in his capacity as a police officer for the CITY OF SAN JOSE, CRAWLEY (Badge #3357),
individually and in his capacity as a police officer for the CITY OF SAN JOSE, PURNELL (Badge
#3627), individually and in his capacity as a police officer for the CITY OF SAN JOSE, CAHILL
(Badge #3357) and BARRY (Badge #3703), individually and in his capacity as a police officer for the
CITY OF SAN JOSE (hereinafter collectively “Defendants”), hereby stipulate to continue the Early
Neutral Evaluation Conference completion deadline.

27 WHEREAS, on June 30, 2009, the Court entered a Reassignment Order reassigning this case
to the Honorable Ronald M. Whyte;

1 WHEREAS, on October 2, 2009, during the Initial Case Management Conference, the Court
2 set a hearing on Defendant County of Santa Clara's Motion to Sever for December 4, 2009 at 9:00
3 a.m. and instructed plaintiffs and defendant County to also address the issue of whether a stay of the
4 action should be entered;

5 WHEREAS, the Early Neutral Evaluation Conference in this matter was originally scheduled
6 for October 1, 2009, then continued to October 8, 2009, and has a current completion deadline of
7 November 10, 2009;

8 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND JOINTLY REQUEST,
9 as follows:

10 That the Early Neutral Evaluation Conference completion deadline be continued from
11 November 10, 2009, to a mutually agreeable date in February 2010.

12 SO REQUESTED AND STIPULATED:

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14 Dated: October 9, 2009

GROSS BELSKY ALONSO LLP

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By: /s/ Monique Alonso
Monique Alonso
Attorneys for Plaintiffs

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Dated: October 9, 2009

OFFICE OF THE CITY ATTORNEY

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Dated: October 9, 2009

By: /s/ Michael J. Dodson
Michael J. Dodson
Attorneys for Defendants

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THE COUNTY OF SANTA CLARA

By: /s/ Aryn Paige Harris
Aryn Paige Harris
Attorneys for Defendant

1 **DECLARATION OF CONSENT**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty
3 of perjury that concurrence in the filing of this document has been obtained from counsel for
4 Defendants, Michael J. Dodson and Aryn Paige Harris.

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6 Dated: October 9, 2009

By: /s/ Monique Alonso

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1 **[] ORDER**

2 **PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.**

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4 Dated: 11/16/09

Ronald M. Whyte
5 The Honorable Ronald M. Whyte
6 Judge of the United States District Court

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CERTIFICATE OF SERVICE

RE: *Marlo Custodio et. al., v. The County of Santa Clara, California, et al.,*
Case No. C09-00527 RMW

I am a citizen of the United States and employed in the County of San Francisco, State of California. I am over eighteen (18) years of age and not a party to the above-entitled action. My business address is GROSS BELSKY ALONSO LLP, 180 Montgomery Street, Suite 2200, San Francisco, CA, 94104. On the date set forth below, I served the following documents in the manner indicated on the below named parties and/or counsel of record:

• STIPULATION AND [PROPOSED] ORDER TO CONTINUE EARLY NEUTRAL EVALUATION CONFERENCE COMPLETION DEADLINE

U.S. Mail, with First Class postage prepaid and deposited in a sealed envelope at San Francisco, California. I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service, and said correspondence would be deposited with the United States Postal Service at San Francisco, California that same day in the ordinary course of business.

Facsimile transmission from (415) 544-0201 during normal business hours, complete and without error on the date indicated below, as evidenced by the report issued by the transmitting facsimile machine.

XX **By ECF:** I caused the aforementioned documents to be filed via the Electronic Case Filing (ECF) system in the United States District Court for the Northern District of California, on all parties registered for e-filing in the Docket Number C 09-00527 PVT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 9, 2009 at San Francisco, California.

/s/ Jessica Dean
JESSICA DEAN